

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVE M COHEN, :
: Plaintiff, :
: No. 1:22-mc-00200-PAE-KHP
-v.- :
: :
: :
: GROUP HEALTH INCORPORATED, : Underlying Litigation:
: Defendant. : *Plavin et al. v. Group Health Inc.*,
: : No. 3:17-cv-1462-RDM (M.D. Pa.)
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**DECLARATION OF JARED I. KAGAN IN OPPOSITION TO
STEVE M. COHEN'S MOTION TO QUASH SUBPOENA**

I, JARED I. KAGAN, hereby declare as follows:

1. I am admitted to practice in the State of New York and before this Court, and I am counsel at the law firm Debevoise & Plimpton LLP, counsel for Defendant Group Health Incorporated (“GHI”) in this dispute and in the underlying litigation.
2. I am fully familiar with the facts set forth herein and respectfully submit this declaration in opposition to Steve M. Cohen’s Motion to Quash the Subpoena to Depose Litigation Counsel.
3. Attached hereto as **Exhibit 1** is a true and correct copy of the Supplemental Privilege Log of Plaintiffs in the underlying litigation (“Plaintiffs”) dated Aug. 10, 2022.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Amended Complaint filed in the underlying litigation, *Steven Plavin, et al., v. Group Health Incorporated*, No. 17-CV-01462-RDM (M.D. Pa. Aug. 30, 2021), ECF No. 70.
5. Attached hereto as **Exhibit 3** is a true and correct copy of the Assurance of Discontinuance (“AOD”) between GHI and the New York Attorney General dated October 8, 2014.
6. Attached hereto as **Exhibit 4** is a true and correct copy of Plaintiffs’ First Requests for Production dated December 20, 2017.
7. Attached hereto as **Exhibit 5** is a true and correct copy of Plaintiffs’ 30(b)(6) Deposition Notice dated March 25, 2022.
8. Attached hereto as **Exhibit 6** is a true and correct copy of the First Amended Complaint filed in the *qui tam* action captioned *The City of New York, ex rel. Steve Cohen et al. v. Group Health Incorporated, et al.*, Index No. 101160/2014 (N.Y. Sup. Ct. N.Y. Cty.).
9. Attached hereto as **Exhibit 7** is a true and correct copy of a document produced in the underlying litigation, Bates stamped PLAVIN_000005431. Pursuant to the protective order in the underlying litigation, and the letter motion GHI filed, this document is being filed under seal.
10. Attached hereto as **Exhibit 8** is a true and correct copy of Steve M. Cohen’s Attorney Detail Report dated August 15, 2022, from the New York State Unified Court System website, available at <https://iapps.courts.state.ny.us/attorneyservices>.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the transcript of the deposition of Alan Berkowitz dated July 21, 2022. Pursuant to the protective order in the underlying litigation, and the letter motion GHI filed, this document is being filed under seal.
12. Attached hereto as **Exhibit 10** is a true and correct copy of an email dated July 20, 2022, from counsel for Plaintiffs to counsel for GHI attaching Plaintiffs' Response to GHI's Interrogatories Nos. 10 and 11 dated July 15, 2022, and certified by Mr. Cohen on July 18, 2022.
13. Attached hereto as **Exhibit 11** is a true and correct copy of Judge Mariani's June 3, 2022 Memorandum and Order granting in part GHI's motion to compel. Memorandum and Order, *Steven Plavin, et al., v. Group Health Incorporated*, No. 17-CV-01462-RDM (M.D. Pa. Jun. 3, 2022), ECF Nos. 110-111.
14. Attached hereto as **Exhibit 12** is a true and correct copy of a document produced in the underlying litigation, Bates stamped PLAVIN_000005424. Pursuant to the protective order in the underlying litigation, and the letter motion GHI filed, this document is being filed under seal.
15. Attached hereto as **Exhibit 13** is a true and correct copy of a document produced in the underlying litigation, Bates stamped PLAVIN_000005433. Pursuant to the protective order in the underlying litigation, and the letter motion GHI filed, this document is being filed under seal.

16. Attached hereto as **Exhibit 14** is a true and correct copy of a document produced in the underlying litigation, Bates stamped PLAVIN_000006142. Pursuant to the protective order in the underlying litigation, and the letter motion GHI filed, this document is being filed under seal.
17. Attached hereto as **Exhibit 15** is a true and correct copy of an email dated August 5, 2022, from Steve Cohen to undersigned counsel with the subject line “Re: Cohen v. GHI”.
18. Attached hereto as **Exhibit 16** is a true and correct copy of a document produced in the underlying litigation, Bates stamped PLAVIN_000006167 through PLAVIN_000006168. Pursuant to the protective order in the underlying litigation, and the letter motion GHI filed, this document is being filed under seal.
19. Attached hereto as **Exhibit 17** is a true and correct copy of a document produced in the underlying litigation, Bates stamped PLAVIN_000006179. Pursuant to the protective order in the underlying litigation, and the letter motion GHI filed, this document is being filed under seal.
20. Attached hereto as **Exhibit 18** is a true and correct copy of Judge Mariani’s Order dated Mar. 31, 2022. Order, *Steven Plavin, et al., v. Group Health Incorporated*, No. 17-CV-01462-RDM (M.D. Pa., Mar. 31, 2022), ECF No. 94.
21. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the transcript of the deposition of Michelle Davis-Matlock dated June 17, 2022. Pursuant to the protective order in the underlying litigation, and the letter motion GHI filed, this document is being filed under seal.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 17, 2022, in New Rochelle, New York.

/s/ Jared I. Kagan
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